Case: 1:12-cv-00958-SJD Doc #: 1-3 Filed: 12/14/12 Page: 1 of 4 PAGEID #: 8

Hamilton County Municipal Court, Cincinnati, Ohio Small Claims Complaint

RANDY RINEAR			Case No	12CV30	000		
7744	KNOLLWOODS LA	NE	In accordance with civil rule 4.6 (C) or (D) and				
CINCI	NNATI, OHIO 4522	24-1134	4.6 (E), a	an ordinary mail waive	er is requested		
Plaintiff(s))	Phone Number					
		VS.	Amount \$3,	,000.00			
CAPIT	AL MANAGEMENT	SERVICES, L.P.					
726 E	xchange Street, Su	ite 700					
Buffal	o, N.Y. 14210						
Defendant Plaintiff	•	wing from the defendant(s) the sum of	sand Dollars		dollars		
	ollowing reason(s):	wing from the detendant(s) the state of	K				
SEE A	ATTACHED.		V				
Interest,	if applicable, from the	day of			Plus Court Costs.		
ATTEN	TION: ALLOW SUF	FICIENT TIME TO ENTER THE COURTHOL	JSE DUE TO SECUI	RITY CHECK, DELA	YS POSSIBLE.		
	Capital Managama	Notice and summons in action:					
To: (1)_					······		
	726 Exchange Stre						
	Buffalo, N.Y. 1421	<u>U</u>					
Notice t	o the Defendant: The o	court will hold trial on this claim at the Hamilton Co \mathcal{L}	ounty Courthouse, 100	00 Main St., Rm. 265 at	9:00 A.M., on:		
attached to Subpoens must file the plaint	to satisfy the judgment. If as for witnesses, if necessa a counterclaim with the co iff's claim. All filings to l	udgment may be entered against you by default, and your defense is supported by witnesses, account books, re ry, should be filed with the clerk at least seven (7) days be much and must serve the plaintiff and all other parties with a be filed/mailed with the appropriate fees to: Hamilton lesire time to pay, you may make such a request at the tria Memorandum to the P	our earnings may be subjections, or other document fore the trial. If you belied a copy of the counterclair County Clerk of Courts.	itation, you must produce th leve you have a claim again n at least seven (7) days pri	em at the trial. st the plaintiff, you or to the trial date of		
Bring you On accid	ur evidence and witnesses, lent cases involving a mol	if any, with you. Subpoenas for witnesses, if necessary, tor vehicle, you must bring your title to the vehicle.		rk at least seven (7) days be	efore the trial date.		
Plaintiff	further states that to the be	st of their knowledge the defendant is / is not a member of	f the Armed Forces of the	United States of America.			
X		1136 St. Gregory Street, Suite 100, Cincl	innati, Ohio 435202	513-929-4040	0067295		
Signatur	e of Plaintiff/Attorney	Attorney Address Only C: Z		Phone No.	Attorney ID No.		
			day of		, 20		
		TRACY WINKLER CLERK OF COURTS HAMILTON COUNTY, 0;5	Clerk, Deputy Cle	rk, Notary Public			

HAMILTON COUNTY MUNICIPAL COURT SMALL CLAIMS DIVISION HAMILTON COUNTY, OHIO.

RANDY RINEAR 7744 KNOLLWOODS LANE Cincinnati, Ohio 45224-1134			NO:	12CV30000
· · · · · · · · · · · · · · · · · · ·	Plaintiff	:	(Judge _	
. V.		:		
CAPITAL MANAGEM 726 Exchange Street, Su Buffalo, N.Y. 14210		ES LP:		

COMPLAINT FOR STATUTORY DAMAGES UNDER THE FAIR DEBT COLLECTION PRACTICES ACT, PURSUANT TO 15 U.S.C. §1692, ET SEQ AND OHIO REVISED CODE §1319.12 ET SEQ

Defendants

Comes now the Plaintiff, by and through counsel, and hereby states for his claim as follows:

JURISDICTION AND VENUE

1. Pursuant to 15 U.S.C. 1692(h), §813(b)(2)(d) this action may be brought in any Court of competent jurisdiction.

FACTS

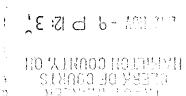
- 2. Plaintiff allegedly received services from U.S. Bank
- 3. Capital Management Services, L.P. alleged a debt by Plaintiff on said account.
- 4. LYNV Funding, LLC employed a third party debt collector to collect said debt.
- 5. Said debt has been denied by Plaintiff.

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- 6. LYNV Funding LLC employed Capital Management Services, L.P. to collect said debt.
- 7. Capital Management Services, L.P. contacted Plaintiff by mail with respect to said debt. (See attached Exhibit "A").
- 8. Plaintiff has retained counsel.
- 9. Within thirty (30) days of receiving the notification form from the third party debt collector, Plaintiff denied the debt.
- Defendant, Capital Management Services, L.P. was contacted by Plaintiff's counsel and was asked to forward proof of said debt. (See attached Exhibit "B", August 2, 2012 letter).
- Defendant, Capital Management Services, L.P. has failed to comply therefore
 Penn is in violation of 15 U.S.C. 1692 et seq.
- 12. Pursuant to 15 U.S.C. 1692(k) §813, Defendant is liable to Plaintiff for failing to verify the debt upon proper request.
- 13. Defendant, Capital Management Services, L.P., failed to include statutorily required language as required under 15 U.S.C. 1692, §809(g)(a)(4).
- Defendant has made false or misleading representations in its initial communication with Plaintiff, Exhibit "A", in violation of 15 U.S.C. 1692, §807(2)(A).
- 15. Plaintiff has suffered damages and attorneys' fees.

WHEREFORE, Plaintiff requests statutory damages of \$3,000.00 from the Defendant, for attorneys' fees, court costs and for any and all other relief which this Court may deem just and appropriate.



Respectfully submitted,

McINTOSH & McINTOSH

By____

A. Brian McIntosh
Reg. #0067295
Attorney for Plaintiff
1136 St. Gregory Street, Suite 100
Cincinnati, Ohio 45202
513-929-4040 (Telephone)
513-929-4070 (Fax)
Brian@McIntoshlaw.com

TO THE CLERK

Please issue certified mail service of the Summons and Complaint on the Defendants at their last known addresses of:

CAPITAL MANAGEMENT SERVICES, L.P. 726 Exchange Street, Suite 700 Buffalo, N.Y. 14210

JE : 21 d 6 - 1011 7117

HVMICLOR COUNTY OF CLERK OF COUNTY OF PRACTER